

Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS

REMARKS

Claims 15 – 33 are in the application. Claims 15, 19-26 and 29-32 were rejected under Section 112 based on insufficient antecedent basis. All of the claims were rejected under sections 102 or 103 based on Van Weele '825 alone or in combination with Offenmuller '371. Each of the claims rejected under Section 112 is amended and it is submitted that all of the claims as now presented fully satisfy the requirements under Section 112. In addition, the claims have been amended to fully address all of the art rejections and reconsideration is requested in view of the following remarks.

The rejections under Section 102 based on Van Weele are overcome by the amendment to both of the independent claims 15 and 32. It is noted that the reference relates to an operator station for process control while the claimed invention concerns "configuring or designing ..." Applicants have limited the scope of the independent claims and recited features in the independent claims to more fully distinguish the claimed invention as covering distinct and non-obvious subject matter. Thus, while the examiner had identified certain features in the prior art which have similarities to structural elements defined in the claims, e.g., a storage unit or a computer, the invention is now distinguished from systems in which an operator may exercise control functions over an ongoing activity such as a manufacturing process programmed to implement a pre-existing recipe.

Consider, for example, claim 15 which now requires that:

"activities of configuring or designing can be performed in a display area in the second navigation area. [Emphasis Added.]"

In contrast, none of the art of record teaches or suggests any use of a tool for configuring or designing.

Claim 32 is also distinct and non-obvious over the Van Weele reference, as it defines a method "for configuring or designing ..." and such is quite different on its face from performing activities in an operator station. Specific example features which confirm this distinction include:

"selecting work steps to configure or design the installation [Emphasis Added.]"
and

"performing the work steps in conjunction with:

**Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS**

- (i) visually marking display elements associated with the selected work step in the first and in the second navigation area; and
- (ii) displaying data associated with the selected work step in the data area [Emphasis Added].”

With the above amendments to the claims none of the claims are anticipated by the Van Weele reference and none of the prior art alone or in combination can meet the terms of independent claims. There is no suggestion in the prior art for applicants' tool for configuring or designing and there is no suggestion in the prior art for applicants' method for configuring or designing. Thus, in view of the above distinctions, no combination of Van Weele and Offenmuller can render any of the claimed subject matter obvious.

Further, it is submitted that numerous features defined in the dependent claims further distinguish the invention. See, for example, claim 25 (Amended) which states that

“once a required work step has been completed, command elements can be selected to display, input or change data associated with processing said work step.”

According to claim 29, the tool is adapted for configuring or designing an installation or technical composition. According to claim 30, status indicators, provided in each of the navigation areas, provide information about whether or not a user has completed a work step. With the tool of Claim 31 the status indicators further contain information about whether or not a data selection made in a work step has resulted in a non-permitted status.

Other dependent claims also further distinguish over the prior art.

Conclusion

In view of the amendments more clearly directing the claims to configuring or designing, the claims cannot be read upon the prior art. Further, the deficiencies in the Van Weele reference cannot be compensated for by incorporating any other art of record under Section 103. Specifically, the Offenmuller reference cannot provide what the Van Weele reference lacks. All of the art rejections should be withdrawn because it is only the applicants who teach a tool and a method relating to configuring or designing. Allowance is therefore requested.

**Serial No. 10/523,513
Atty. Doc. No. 2002P09934WOUS**

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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